

REMARKS

The Applicant and the undersigned thank Examiner Irshadullah for the careful review of this application. Consideration of the present application is respectfully requested in light of the above amendments to the application and in view of the following remarks. Claims 26-35 have been rejected. Upon entry of this amendment, Claims 26-35 remain pending in this application.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Objection to the Specification

The Examiner objected to several informalities in the present application. Regarding the Examiner's objection to page 20, line 23, the Applicant could not locate the corresponding text alleged by the Examiner to be incorrect. Clarification of this Examiner's comment is respectfully requested.

The Applicant has amended the specification in accordance with the Examiner's remaining helpful comments. Reconsideration and withdrawal of the Examiner's objection are respectfully requested.

Claim Rejections under 35 U.S.C. § 102(b) and § 103(a)

The Examiner rejected claims 26, 29, and 30-34 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,893,074 to Hughes et al. The Examiner also rejected claims 27, 28, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Hughes et al. in view of U.S. Patent No. 5,406,476 to Deziel, Jr. et al. The Applicant respectfully offer remarks to traverse these pending rejections.

Independent Claims 26, 29, and 30

The rejections of Claims 26, 29, and 30 are respectfully traversed. It is respectfully submitted that the Hughes et al. and Deziel, Jr. et al. references fail to describe, teach, or suggest the recitations enumerated in amended independent Claims 26,

29, and 30. Specifically, these references fail to describe, teach, or suggest (1) a task comprising an amount of work, (2) each assignment comprising a portion of the work that corresponds with an individual resource; (3) associating each of the N assignments with one of said N resources, (4) each resource comprising one of an inanimate and animate object capable of performing an assignment; and (5) for each assignment, identifying the task, corresponding individual resource, and one of the portion of work corresponding to a respective resource and a duration of the assignment. Further, these references do not provide any teaching of (6) generating a list comprising the N assignments.

While the Hughes et al. reference describes a schedule-control method that tracks tasks, these tasks comprise contracts between a supplier and a receiver. The contract results in the production of a "Product." See Hughes et al., column 2, lines 7-16. The flowchart in Figure 3 of Hughes et al. describes how each task or contract is tracked with this technology. See Hughes et al., column 6, lines 14-33. Therefore, it is not seen how a reference drawn to contracts could anticipate or render obvious claim recitations drawn to tasks comprising work, assignments comprising portions of the work, and resources associated with the assignments as recited in independent Claims 26, 29, and 30. One of ordinary skill in the art recognizes that Hughes et al. does not provide any teaching of dividing a task into assignments in order to efficiently manage a task.

The Applicant respectfully submits that for a proper rejection based upon 35 U.S.C. § 102, the Examiner must comply with MPEP § 2131, first paragraph (8th Edition, August 2001) states the following:

“The identical invention must be shown in as complete detail as is contained in the... claim. Richardson v. Suzuki Motor Company, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).”

Because the Hughes et al. reference is neither designed for tracking a task comprising work and assignments as they relate to resources, the Hughes et al. reference simply fails to show the identical invention as defined in independent Claims 26, 29, and 30. In light of these deficiencies, the Applicant respectfully submits that this reference fails to address all of the recitations of independent Claims 26, 29, and 30.

In addition to the Hughes et al. reference failing to track tasks, the Examiner admits that the Hughes et al. reference fails to teach task constraints or scheduling constraints. To make up for these several deficiencies, the Examiner relies upon the Deziel, Jr. et al. reference.

The Deziel, Jr. et al. reference describes a system and method for scheduling activities that is focused on slack time, an amount of time an activity can be delayed without impacting a project's finish date. See Deziel, Jr. et al., column 2, lines 45-54. The Deziel, Jr. et al. reference is not concerned with dividing a task or activity into assignments. Instead, the Deziel, Jr. et al. reference is concerned with the scheduling of a single activity that may be part of a group of activities. See Deziel, Jr. et al., column 8, lines 34-44. While the Deziel, Jr. et al. reference may be concerned with constraints on resources, its focus is activity-centered with an emphasis on the order of activities.

Conversely, the present invention is focused on individual assignments that may make up a task so that a list of assignments can be generated for later processing as recited in amended independent Claims 26, 29, and 30. See page 20, lines 10-32 of the present application. Therefore, the Deziel, Jr. et al. reference alone or in combination with the Hughes et al. reference cannot anticipate nor render obvious the recitations as set forth in amended independent Claims 26, 29, and 30.

The Applicant further submits that the Examiner must evaluate the claim combination as a whole as opposed to defining specific isolated elements of the prior art which do not contemplate the design the Applicant's claimed invention. The Applicant respectfully submits that MPEP § 2141.02, 2nd paragraph (8th Edition, August 2001), states the following:

“In determining the differences between the prior art and the claims, the questions under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (5th Circuit 1993).”

The Applicant respectfully submits that the Examiner is overlooking the specific design of the invention defined by amended Claims 26, 29, and 30 and the design presented by

the prior art references. Accordingly, reconsideration and withdrawal of the rejection of amended independent Claims 26, 29, and 30 are respectfully requested.

Dependent Claims 27-28, and 31-35

The Applicant respectfully submits that the above-identified dependent claims are allowable because the independent claims from which they depend are patentable over the cited references. The Applicant also respectfully submits that the recitations of these dependent claims are of patentable significance.

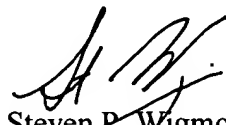
In view of the foregoing, the Applicant respectfully requests that the Examiner withdraw the pending rejections of Claims 27-28, and 31-35.

Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed on June 19, 2001. The Applicant and the undersigned thank Examiner Irshadullah for the consideration of these remarks. The Applicant has amended the claims and have submitted remarks to traverse the rejections of Claims 26-35. The Applicant respectfully submits that the present application is in condition for allowance. Such Action is hereby courteously solicited.

If the Examiner believes that there are any issues that can be resolved by telephone conference, or that there are any formalities that can be corrected by an Examiner's Amendment, please contact the undersigned in the Atlanta Metropolitan Area at (404) 572-2884.

Respectfully submitted,


Steven P. Wigmore
Reg. No. 40,447

King & Spalding
191 Peachtree Street
Atlanta, Georgia 30303
404.572.4600
06576-105039

Version with markings to show changes made

In the specification, on page 19:

Table 1. Scheduling Constraints

Scheduling Constraints	Description
must-finish-by	Indicates the date on which a task must be completed
dependencies	Indicates that the start date or completion date of one task (dependent task) may be determined by the start or completion date of another task (predecessor task)
start-on	Indicates the date at which a task must start.
start-on-or-after	Indicates the date at which a task must start on or after.
task priority	Indicates a priority level that has been assigned to a task, such as high, medium, or low.
assignment limit	Indicates limitations in assigning a resource to a task and may take the form of "no more than", "no less than", "exactly", etc. (Resource 1 can work on Task 1 no more than X hours per day and no less [days] <u>than</u> Y days per week)
creation	Identifies the date and time at which a task was created or provided to the scheduling program.

In the claims:

26. (Twice Amended) A method for generating a plurality of individually schedulable assignments for a task, based upon task constraints associated with said task, said task constraints identifying N resources assigned to said task where N is a positive integer, and a required work-amount corresponding to each of said N resources, said program performing the steps comprising:

dividing said task into N assignments, said task comprising an amount of work, each assignment comprising a portion of the work that corresponds with an individual resource[, each of said N assignments being associated with one of said N resources];

associating each of said N assignments with one of said N resources, each resource comprising one of an inanimate and animate object capable of performing an assignment; [and]

[equating a work-amount for each of said N assignments to the required work-amount corresponding to said resource associated with said assignment]for each assignment, identifying the task, corresponding individual resource, and one of the portion of work corresponding to a respective resource and a duration of the assignment; and

generating a list comprising the N assignments.

29. (Once Amended) A computer-readable medium on which is stored a computer program for generating a plurality of schedulable assignments for a task, comprising the steps of:

receiving a task description for said task, said task description identifying N resources assigned to said task where N is a positive integer, said task comprising an amount of work, a required work-amount corresponding to each of said N resources, and one or more scheduling constraints for said task:

dividing said task into N assignments, each of said N assignments identifying one of said N resources, each assignment comprising a portion of the work that corresponds with an individual resource, each resource comprising one of an inanimate and animate object capable of performing an assignment;

[equating a work-amount for each of said N assignments to the required work-amount corresponding to said resource identified by said assignment]for each assignment, identifying the task, corresponding individual resource, and one of the portion of work corresponding to a respective resource and a duration of the assignment; [and]

associating each of said N assignments with said scheduling constraints for said task; and

generating a list comprising the N assignments.

30. (Once Amended) A computer system for generating assignments for a task, comprising:

a processing unit;

a memory storage device;

a program module, stored in the memory storage device for providing instructions to the processing unit;

the processing unit, responsive to the instructions of the program module, operative to:

receive a task description for the task, the task description identifying N resources assigned to the task where N is a positive integer, said task comprising an amount of work [and a total amount of required work for the task]; [and]

divide the task into N assignments, each of the N assignments identifying one of the N resources., each assignment comprising a portion of the work that corresponds with an individual resource, each resource comprising one of an inanimate and animate object capable of performing an assignment;

for each assignment, identify the task, corresponding individual resource, and one of the portion of work corresponding to a respective resource and a duration of the assignment;

associate each of said N assignments with said scheduling constraints for said task; and

generate a list comprising the N assignments.